

¶ 85,382 (1987). Such an applicant will be required only to provide documentation of its purchase volumes of Vessels' products during the consent order period in order to be eligible to receive a medium-range refund.

#### *d. Regulated Firms and Cooperatives*

We have determined that, in order to receive a full volumetric refund, a claimant whose prices for goods and services are regulated by a governmental agency, e.g., a public utility, or by the terms of a cooperative agreement, needs only to submit documentation of its purchases of products used by itself or, in the case of a cooperative, sold to its members. However, a regulated firm or cooperative whose allocable share is greater than \$10,000 will also be required to certify that it will pass any refund through to its customers or member-customers, provide us with a full explanation of how it plans to accomplish the restitution, and certify that it will notify the appropriate regulatory body or membership group of the receipt of the refund.<sup>10</sup>

#### *e. Spot Purchasers.*

As in prior Subpart V proceedings, we propose to adopt a rebuttable presumption that a reseller that made only irregular or sporadic, i.e., spot purchases from Vessels did not suffer injury as a result of those purchases. Accordingly, a spot purchaser claimant must submit specific and detailed evidence to rebut the spot purchaser presumption and to establish the extent to which it was injured as a result of its spot purchases from Vessels. In prior proceedings we have stated that refunds will be approved for spot purchasers who demonstrate that (i) they made the spot purchases for the purpose of ensuring a supply for their base period customers rather than in anticipation of financial advantage as a result of those purchases, and (ii) they were forced by market conditions to resell the product at a loss that was not subsequently recouped through the draw down of banks. See *Quaker State Oil Refining Corp./Certified Gasoline Co.*, 14 DOE ¶ 85,465 (1986).

#### *D. Showings of Injury*

As in prior refund proceedings, claimants who are medium-range resellers (including retailers and refiners) will be afforded the opportunity to prove injury in order to receive a refund equal to their full allocable share. These claimants will be required to demonstrate that during the audit period they would have maintained their prices for the NGLs and NGLPs purchased from Vessels at the same level had the alleged overcharges not occurred. While there are a variety of ways to make this showing, a reseller would generally demonstrate that, at the time it purchased the product from Vessels, market conditions would not permit it to pass through to its customers the additional costs associated with the alleged overcharges. See *Atlantic Richfield Co./Odessa L.P.G. Transport*, 21 DOE ¶ 85,384 (1991); *Guld Oil Corp./Anderson & Watkins, Inc.*, 21 DOE

¶ 85,380 (1991). In addition, the reseller will be required to show that it had a "bank" of unrecovered costs in order to demonstrate that it did not recover the increased costs associated with the alleged overcharges by increasing its own prices. The maintenance of a bank does not, however, automatically establish injury. See *Tenneco Oil Co./Chevron U.S.A., Inc.*, 10 DOE ¶ 85,014 (1982).

#### *IV. Conclusion*

Refund applications in this proceeding should not be filed until the issuance of a final Decision and Order. Detailed procedures for filing applications will be provided in the final Decision and Order. Before disposing of any of the funds received, we intend to publicize the distribution process and to provide an opportunity for any affected party to file a claim. In addition to publishing copies of the proposed and final Decisions in the Federal Register, copies will be provided to the Vessels' customers for whom we have addresses.

Any funds that remain after all first-stage claims have been decided will be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501-07. PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in subpart V proceedings and make those funds available to state governments for use in four energy conservation programs. The Secretary has delegated these responsibilities to OHA. Any funds in the Vessels escrow account the OHA determines will not be needed to effect direct restitution to injured Vessels customers will be distributed in accordance with the provisions of PODRA.

It Is Therefore Ordered That:

The refund amount remitted to the Department of Energy by Vessels Gas Processing Company pursuant to the Consent Order executed on December 17, 1987 will be distributed in accordance with the forgoing Decision.

[FR Doc. 95-25324 Filed 10-12-95; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-5314-1]

### **Agency Information Collection Activities Under OMB Review**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces the Office of Management and Budget's (OMB) responses to Agency PRA clearance requests.

**FOR FURTHER INFORMATION CONTACT:** Sandy Farmer (202) 260-2740, Please refer to the EPA ICR No.

## **SUPPLEMENTARY INFORMATION:**

OMB Responses to Agency PRA Clearance Requests

### *OMB Approvals*

EPA ICR No. 0783.28; The California Pilot Test Program and Clean-Fuel Vehicle Standards for Light-Duty Vehicles and Light-Duty Trucks; was approved 09/29/95; OMB No. 2060-0104; expires 08/31/98.

EPA ICR No. 1331.06; Accidental Release Information Program (ARIP); was approved 09/29/95; OMB No. 2050-0065; expires 09/30/97.

EPA ICR No. 1395.02; Emergency Planning and Release Notification Requirements (EPCRA Section 302, 303, and 304); was approved 09/28/95; OMB No. 2050-0092; expires 01/31/97 approved 09/28/95; OMB No. 2050-0092; expires 01/31/97.

EPA ICR No. 1292.04; Aftermarket Catalytic Converter Policy; was approved 09/28/95; OMB No. 2060-0135; expires 09/30/98.

EPA ICR No. 1687.02; National Hazardous Air Pollutant Emission Standards for Aerospace Manufacturing and Rework Operations; was approved 09/28/95; OMB No. 2060-0314; expires 09/30/98.

EPA ICR No. 1446.05; PCBs Notification and Manifesting of PCB Waste Activities and Records of PCB Storage and Disposal; was approved 09/28/95; OMB No. 2070-0112; expires 09/30/98.

EPA ICR No. 1587.03; Operating Permits Regulations—Information Requests CAA Title V; was approved 09/28/95; OMB No. 2060-0234; expires 09/30/96.

EPA ICR No. 0370.13; Underground Infection Control Program Information; was approved 06/30/95; OMB No. 2040-0042; expires 06/30/98.

EPA ICR No. 0270.34; Public Water System Supervision Program, Public Notification and Education Requirements; was approved 09/27/95; OMB No. 2040-0090; expires 03/31/97.

EPA ICR No. 0783.29; Application for Motor Vehicle Emission Certification and Fuel Economy labeling (Alternative Fueled Vehicles, FRM); was approved 09/28/95; OMB No. 2060-0104; expires 08/31/98.

EPA ICR No. 1757.01; Protection of Stratospheric Ozone Labeling; was approved 09/25/95; OMB No. 2060-0342; expires 09/30/97.

EPA ICR No. 1734.02; Use and Exposure Information voluntary Project; was approved 09/29/95; OMB No. 2070-0147; expires 09/30/97.

EPA ICR No. 1626.04; National Emissions Reduction Program,

<sup>10</sup> A cooperative's sales to non-members will be treated in the same manner as sales by other resellers. See *Total Petroleum/Farmers Petroleum Cooperative*, 19 DOE ¶ 85,215 (1989).

Amendment; was approved 09/28/95; OMB No. 2060-0256; expires 05/31/96.

EPA ICR No. 1442.09; Land Disposal Restrictions; was approved 09/29/95; OMB No. 2050-0085; expires 09/30/98.

EPA ICR No. 1679.02; Federal Standards of Marine Tank Vessel Loading and Unloading Operations and National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading and Unloading Operation; was approved 09/25/95; OMB No. 2060-0289; expires 09/30/98.

EPA ICR No. 1352.03; Community Right-to-Know Reporting Requirements (EPCRA Sections 311 and 312); was approved 09/29/95; OMB No. 2050-0072; expires 01/31/97.

EPA ICR No. 1756.01; Open Market Trading Rule (OMTR) for Ozone Precursors; was approved 09/28/95; OMB No. 2060-0344; expires 09/30/98.

EPA ICR No. 1230.08; Prevention of Significant Deterioration and Nonattainment Area Source Review; was approved 09/21/95; OMB No. 2060-0003; expires 03/31/97.

EPA ICR No. 1759.01; Worker Protection Standard; was approved 09/29/95; OMB No. 2070-0148; expires 02/28/97.

#### Withdrawals

EPA ICR No. 1760.01; Significance of Effects Resulting from Exposure to Irritant Gases; A Survey of Respiratory Physicians and Scientists; was withdrawn by EPA on 09/22/95.

EPA ICR No. 1758.01; Measures of Success for Compliance Assistance Reporting Form; was withdrawn by EPA 09/28/95.

EPA ICR No. 1754.01; Opinions of New York State Community Leaders and Residents Related to Environmental Quality in and Around Lake Ontario; was withdrawn by EPA 09/29/95.

Dated: October 5, 1995.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 95-25347 Filed 10-12-95; 8:45 am]

BILLING CODE 6560-50-M

#### [ER-FRL-5229-7]

#### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared September 25, 1995 Through September 29, 1995 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 1995 (60 FR 19047).

#### Draft EISs

ERP No. D-FHW-G40141-OK Rating EC2, Canadian River Bridge Crossing Construction, MT-37 east of Tuttle northward to MT-152 in or near Mustang, Funding, COE Section 404 and EPA NPDES Permits Issuance, Canadian and Counties, MT.

**Summary:** EPA expressed environmental concerns regarding cumulative impacts and wetland. EPA requested that the final EIS address these issues in more detail as well as providing information on pesticide use, pollution prevention and environmental justice.

ERP No. D-IBR-J39023-MT Rating EC2, Tongue River Basin Project, Implementation, Tongue River Dam and Reservoir, COE Section 404 Permit, Bighorn County, MT.

**Summary:** EPA expressed environmental concerns regarding wetland impacts. EPA recommended that other alternatives be analyzed that would avoid these impacts.

ERP No. DR-UAF-B11015-ME Rating LO, Loring Air Force Base (AFB) Disposal and Reuse, Implementation, Updated and Additional Information, Aroostook County, ME.

**Summary:** EPA had no objections to the proposed action.

#### Final EISs

ERP No. FS-UAF-B11012-NH, Pease Air Force Base (AFB) Disposal and Reuse, Updated Information, Implementation, Portsmouth, Newington, Greenland, Rye, Dover, Durham, Madburg and Rochester, NH and Kittery, Eloit and Berwicks, ME.

**Summary:** EPA continues to have environmental concerns regarding wetland and air quality impacts. EPA recommended that all major wetlands be protected by deed restrictions.

Dated: October 10, 1995.

William D. Dickerson,

Director, NEPA Compliance Division Office of Federal Activities.

[FR Doc. 95-25456 Filed 10-12-95; 8:45 am]

BILLING CODE 6560-50-U

#### [ER-FRL-5229-6]

#### Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260-5076 OR (202) 260-5075. Weekly receipt of Environmental Impact

Statements Filed October 02, 1995 Through October 06, 1995 Pursuant to 40 CFR 1506.9.

*EIS No. 950453, Draft EIS, AFS, AK,* 1995 Mendenhall Glacier Recreation Area Management Plan, Implementation, Tongass National Forest, Juneau Ranger District, Chatham Area, AK, Due: November 27, 1995, Contact: Joni Packard (907) 586-8800.

*EIS No. 950454, Draft Supplement, FHW, UT, I-15/State Street Corridor Highway and Transit Improvements, Updated Information, Construction between 10800 South Street to 500 North Street, Funding, NPDES and COE 404 Permits, Salt Lake County, UT, Due: December 01, 1995, Contact: William R. Gedris (801) 963-0183.*

*EIS No. 950455, Final EIS, BOP, LA,* Pollock US Penitentiary and Federal Prison Camp (FPC), Construction and Operation and Site Selection of a former World War II Military Installation, Grant Parish, LA, Due: November 13, 1995, Contact: David J. Dorworth (202) 514-6470.

*EIS No. 950456, Final EIS, FAA, CA,* Burbank-Glendale-Pasadena Airport, Replacement Passenger Terminal Construction, Approval, Los Angeles County, CA, Due: November 13, 1985, Contact: David B. Kessler (310) 725-3615.

*EIS No. 950457, Draft EIS, COE, MN,* Northwestern Minnesota Basin Flood Control Impoundments, Construction and Operation, Flood Damage Reduction, Red River, St. Paul District, MN, Due: November 27, 1995, Contact: Robert J. Whiting (612) 290-5264.

*EIS No. 950458, Draft Supplement, COE, CA, Richmond Harbor Deep Draft Navigation Improvements, Updated and Additional Information, Improve Navigation Efficiency into the Potrero Reach Channel, San Francisco Bay, Contra Costa County, CA, Due: November 28, 1995, Contact: Linda Ngim (415) 744-3345.*

*EIS No. 950459, Final EIS, BLM, CT,* Weir Farm National Historic Site, Implementation, General Management Plan, Possible COE Section 404 Permit, Towns of Ridgefield and Walton, Fairfield County, CT, Due: November 13, 1995, Contact: Bob Fox (203) 544-9829.

*EIS No. 950460, Final EIS, FHW, WI, US 151/WI 41 Waupun to Fond du Lac Project, Construction, Funding and Possible COE Section 404 Permit, Fond du Lac County, WI, Due: November 13, 1995, Contact: James Zavoral (608) 264-5944.*